

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | : |                            |
|                           | : | Criminal No. 18-167 (SRC)  |
| Plaintiff,                | : |                            |
|                           | : | <b>OPINION &amp; ORDER</b> |
| v.                        | : |                            |
|                           | : |                            |
| DAZMIER BANKS,            | : |                            |
|                           | : |                            |
| Defendant.                | : |                            |
|                           | : |                            |

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**CHESLER, District Judge**

This matter comes before the Court on Defendant's application for appointment of counsel. Defendant asks that counsel be appointed to assist him with investigating and preparing a post-conviction challenge to his sentence. The application must be denied because Defendant has no case active in this Court at this time. The Criminal Justice Act contemplates appointment of counsel only when an applicant has sought post-conviction relief and litigation has commenced; it does not authorize appointment of counsel to assist in pre-filing investigation and preparation. Because Defendant has no active case in this Court at this time, the application will be denied.

For these reasons,

**IT IS** on this 3rd day of October, 2019

**ORDERED** that Defendant's application for appointment of counsel (Docket Entry No. 20) is **DENIED**; and it is further

**ORDERED** that the Clerk of the Court is directed to provide Defendant with copies of the docket sheet, plea minutes, and transcript for this case.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge